

**Notice of Allowability**

**Application No.**

09/981,133

**Examiner**

Michael O'Neill

**Applicant(s)**

BAERLOCHER ET AL.

**Art Unit**

3713

**-- Th MAILING DATE of this communication appears on the cover sheet with the corresponding address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-18-04.
2. ☒ The allowed claim(s) is/are 1-4,6-17 and 19-22.
3. ☒ The drawings filed on 15 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



**MICHAEL O'NEILL  
PRIMARY EXAMINER**

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Adam Masia on 02-01-1005.

The application has been amended as follows:

Claim 5. (Canceled)

Claim 14. (Currently amended) A gaming device comprising:

a processor;

a display device controlled by the processor;

a base game displayed by the display device and controlled by the processor, said base game including a plurality of bonus triggering symbols;

a bonus game displayed by the display device and controlled by the processor, said bonus game triggered upon an occurrence of a bonus trigger in the base game, the bonus trigger including a display of a plurality of said bonus triggering symbols in said base game; and

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a bonus re-trigger provided to the player in the bonus game when less than the plurality of said bonus triggering symbols is displayed by the display device in the bonus game, such that the bonus re-trigger occurs more frequently in the bonus game than the bonus trigger occurs in the base game.

Claim 18. (Canceled)

Claim 19 (Currently Amended): A gaming device comprising:

a processor;

a plurality of reels controlled by the processor;

a plurality of symbols on each reel, said symbols including a plurality of secondary game triggering symbols;

a primary game including at least one activation of said reels by the processor;

a secondary game including at least one activation of said reels by the processor, said secondary game triggered upon the display of a plurality of the secondary game triggering symbols on an active payline associated with the reels in said primary game; and

a secondary game re-trigger provided to the player in the secondary game when the plurality of said secondary game triggering symbols are displayed by the reels in any position in

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the secondary game, wherein the secondary game re-triggering is more likely to occur in the secondary game than a trigger of the secondary game in the primary game.

Claim 23. (Canceled)

Claim 24. (Canceled)

Claim 25. (Canceled)

Claim 26. (Canceled)

The following is an examiner's statement of reasons for allowance: Applicant's arguments, see Response to Office Action, filed 10-18-2004, with respect to the claims have been fully considered and are persuasive. The rejection of claims 1-4, 6-17 and 19-22 has been withdrawn because of the reasoning given in the remarks and the examiner's amendment agreed upon by Applicant's representative and the Examiner.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to

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avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

A handwritten signature in black ink, appearing to read 'm o'neill', written in a cursive style.

**MICHAEL O'NEILL  
PRIMARY EXAMINER**